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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,766	09/10/2003	Rainer Barth	BARTH-2	4858

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HENRY M FEIEREISEN, LLC  
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NEW YORK, NY 10118

EXAMINER
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NAUROT TON, JOAN

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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12/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/659,766	<b>Applicant(s)</b> BARTH, RAINER	
	<b>Examiner</b> Joan B. Naurot Ton	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/659766.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**This first office action is in reply to amendments for Application number  
10/659766, filed on 10/31/2007.**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malizia (US patent 6745090) and Araujo et al (US patent number 6920502, dated July 19, 2005, and filed on July 17, 2001) in view of Woest (US patent 5444851) and Helferich (US patent 7003304)

4.

Regarding claim 1:

Malizia discloses a method for transmitting messages about an alarm event of a machine from an industrial controller controlling the machine (Col 1, line 11, "industrial controllers" and "control device" Col 3, line 14) to a specified remote receiver ("pager

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message recipient" Col 11, line 7 which gets "process related information relevant to the control condition" Col 3, lines 36-37 and Figure 5B in which the alarm is a "trigger condition" and a pager message goes to a pager which is the specified receiver) via a network using an Internet-related protocol, ("Internet" Col 3, line 26) comprising the steps of: generating with an alarm indicating system, if a specified alarm event occurs, event-relevant information comprising event messages, ("trigger information" Col 5, line 22) fault messages, (Figure 3C, "Pump over temp") information about machine status and process information, (Figure 4D "status code information") or a combination thereof;; transmitting to the specified receiver a receiver-specific message indicating that the specified alarm event has occurred, (Col 5, lines 29-40 discloses "According to yet another aspect of the invention a method is provided for sending a message from a control device to a remote device via a communications medium. The method includes obtaining trigger information via a first communications interface from the control device and determining if a trigger condition exists according to the trigger information. If a trigger condition exists, the trigger condition is correlated with a data variable, which is obtained from the control device via the first communications interface. The method further includes creating a pager message including a text string and the data variable, and transmitting the pager message to a remote device via a second communications interface and the communications medium using a second communications protocol." Malizia also discloses what types of information the message contains. "This is useful, for example, where a remote user or device has received a pager message indicating a particular process variable or condition, and

wishes to further interrogate and/or reprogram the control device.”) ; receiving the receiver-specific message at the specified receiver; (“pager message recipient” Col 11, line 7) accessing from the specified receiver the event-relevant information (pager message recipient” Col 11, line 7 which gets “process related information relevant to the control condition” Col 3, lines 36-37) and performing based on the event-relevant information at least one of failure analysis and fault repair of the machine. (“This is useful, for example, where a remote user or device has received a pager message indicating a particular process variable or condition, and wishes to further interrogate and/or reprogram the control device.”)

Malizia discloses all the limitations as disclosed above except for and event relevant information in the database via a cryptographically protected communication protocol based on an Internet browser; writing the event-relevant information to a database located within the industrial controller; and only a receiver-specific message wherein the receiver-specific message itself does not include event-relevant information.

Araujo discloses event relevant information in the database (The CCC has a database of alarm info Col 37, lines 29-32) and also via a cryptographically protected communication protocol based on an Internet browser (“implements the necessary cryptographic and packet processing operations”, Column 3, lines 37-38. and “SEP can establish a web connection with site 20 through which the SEP can report its operational data and/or any alarm condition...” Column 36, lines 26-29. “The SEP will identify itself to the CCC and...will authenticate itself to the CCC...The SEP will encrypt

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the challenge value" to the CCC, and the "SEP will continue..with the...session.. secured through SSL with the CCC." "The SEP will then interact with the CCC." Col 9, lines 33-54 The user on the WAN uses a browser to go through the SEP to securely access networked based functionality. Col 7, lines 56-60. and Col 14, lines 45-65, which discloses using "HTTPS" and Col 7 lines 10-15 discloses "provides secure, but integrated network functionality through a remote WAN connection...Such a technique should provide all network functionality...through a...user interface, such as a web browser.")

The general concept of providing event relevant information in the database and via a cryptographically protected communication protocol based on an Internet browser is well known in the art as illustrated by Araujo who discloses event relevant information in the database via a cryptographically protected communication protocol based on an Internet browser in a machine monitoring method and system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Malizia to include the use of event relevant information in the database via a cryptographically protected communication protocol based on an Internet browser in his advantageous method as taught by Araujo in order to provide a secure and convenient means for accessing alarm condition reports.

Woest discloses writing the event-relevant information to a database located within the industrial controller. (Col 21, lines 48-58 discloses "Other aspects of the above objects of the invention are accomplished by a method and apparatus in which a master controller stores sensor values in a data aging table

and associates each sensor value with a valid time frame. All requests for data during the valid time frame are serviced by transmitting the value from the data aging table in the master controller." A table that stores data can be thought of as a database.)

The general concept of writing the event-relevant information to a database located within the industrial controller is well known in the art as illustrated by Woest who discloses writing the event-relevant information to a database located within the industrial controller.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Malizia to include the use of writing the event-relevant information to a database located within the industrial controller in his advantageous method as taught by Woest in order to integrate more parts into the industrial controller to simplify the design.

Helferich discloses only a receiver-specific message and wherein the receiver-specific message itself does not include event-relevant information. (abstract, lines 1-3 and Col3, lines 2-5 "A message has been received but does not initially transmit the associated message" and "provides a page to a paging receiver but does not automatically provide an associated message."). The general concept of providing messages that do not provide event-relevant information is well known in the art as illustrated by Helferich who discloses messages that are not detailed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Araujo to include the use of hiding details of messages in his advantageous method as taught by Helferich in order to conserve memory.

Regarding claim 2:

Malizia-Araujo-Woest-Helferich also disclose the limitations of claim 2 wherein the cryptographically protected communication protocol implemented in the Internet browser comprises a "Hypertext Transfer Protocol Security" protocol (Araujo discloses "establishing a secure web (HTTPS) connection to a web server implemented on SEP 200" Column 14, lines 47 and 48-49).

Regarding claim 3:

Malizia-Araujo-Woest-Helferich also discloses the limitations of claim 3 wherein the "Hypertext Transfer Protocol Security" protocol comprises a "Secure Socket Layer" protocol or a "Transport Layer Security" protocol. (Araujo discloses "secured through SSL, with the CCC (Customer Care Center), Column 9, line 51)

Regarding claim 4:

Malizia-Araujo-Woest-Helferich also discloses the limitations of claim 4 wherein the receiver-specific message is transmitted to the specified receiver as an e-mail message, an SMS message or as a voice message (Araujo discloses "email" is accessed through the Service Enablement Platform (SEP), Column 1, line 36, and the SEP also reports alarm messages, Column 36, lines 26-29).

Regarding claim 5:

Malizia-Araujo-Woest-Helferich also discloses the limitations of claim 5 wherein



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the e-mail message includes a cross-reference, in particular a URL address, that provides a link to the receiver-specific information that is stored in the database (Araujo discloses all of the following: "The SEP (services enablement platform) enables email modules to accept as input and output a URL selection. Column 8, lines 26-35, and "Database 1420" ... "stores information for each SEP then in service, alarm reports generated by each SEP and other related status as provided by that SEP..." Column 16, lines 14-18).

Regarding claim 6:

Malizia-Araujo-Woest-Helferich also discloses the limitations of claim 6 wherein the event-relevant information further comprises (Araujo discloses all of the following: "In the event of a detected fault or failure condition in any monitored entity, the SEP generates a corresponding alarm and reports it...), as well as file attachments ("file sharing", abstract) which are stored in the database ("module then writes, ...the alarm information into CCC database" Column 44, lines 56 and 58, and "records all alarms it receives in a ...database." Col 38 Lines 34-35).

Regarding claim 7:

Malizia-Araujo-Woest-Helferich also discloses the limitations of claim 7 wherein access to the Web server is protected by a Login prompt and a password (Araujo discloses the following: "...the CCC will send the SEP appropriate login and password for a customer WAN account which that the SEP is to use." Column 9, lines 42-44).

Regarding claim 11:

Malizia discloses a method for transmitting messages about an alarm event of a machine from an industrial controller controlling the machine to a specified remote receiver using a modem connection (The abstract, lines 1-3 discloses The invention comprises a modem apparatus adapted to provide full messaging and communications interface between a control device and a communications medium such as a telephone line. Col 3, lines 12-16 discloses "In accordance with the present invention, there is provided a modem apparatus adapted to provide full messaging and communications interface between a control device and a remote device via a telephone line or other communications medium.", and in which "trigger information" is sent Figure 5B) comprising the steps of: generating with an alarm indicating system, (Since the system has triggers in Col 5, line 22, there is an alarm indicating system) if a specified alarm event occurs, event-relevant information comprising event messages, ("trigger information" Col 5, line 22) fault messages, (Figure 3C, "Pump over temp") information about machine status and process information, (Figure 4D "status code information") or a combination thereof; transmitting to the specified receiver a receiver-specific message indicating that the specified alarm event has occurred, (Malizia discloses what types of information the message contains. Col 4, lines 64-67 discloses "This is useful, for example, where a remote user or device has received a pager message indicating a particular process variable or condition, and wishes to further interrogate and/or reprogram the control device.") receiving the receiver-specific message at the

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specified receiver; ("pager message recipient" Col 11, line 7) accessing from the specified receiver the event-relevant information (pager message recipient" Col 11, line 7 which gets "process related information relevant to the control condition" Col 3, lines 36-37) and performing based on the event-relevant information at least one of failure analysis and fault repair of the machine. . (Col 4, lines 64-67 discloses, "This is useful, for example, where a remote user or device has received a pager message indicating a particular process variable or condition, and wishes to further interrogate and/or reprogram the control device.") via the modem connection. (abstract lines 1-3 discloses the modem communications)

Malizia discloses all the limitations as disclosed above except for only a receiver-specific message wherein the receiver-specific message itself does not include event-relevant information; protected by an authentication protocol, writing the event-relevant information to a database located within the industrial controller; event relevant information in the database via a cryptographically protected communication protocol.

Araujo discloses protected by an authentication protocol ("encrypted communication provided through...SSL" Col 13, lines 25-27) and event relevant information in the database via a cryptographically protected communication protocol via the modem connection. (The CCC has a database of alarm info Col 37, lines 29-32) via a cryptographically protected communication protocol based on an Internet browser ("implements the necessary cryptographic and packet processing operations", Column 3, lines 37-38. and "SEP can establish a web connection with site 20 through which the SEP can report its operational data and/or any alarm condition..." Column

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36, lines 26-29. The user on the WAN uses a browser to go through the SEP to securely access networked based functionality. Col 7, lines 56-60. and Col 14, lines 45-65, which discloses using "HTTPS" Col 7 lines 10-15 discloses "provides secure, but integrated network functionality through a remote WAN connection...Such a technique should provide all network functionality...through a...user interface.")

The general concept of protecting by an authentication protocol and providing event relevant information in the database and via a cryptographically protected communication protocol is well known in the art as illustrated by Araujo who discloses event relevant information in the database via a cryptographically protected communication protocol in a system which additionally monitors alarm conditions.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Malizia to include the use of event relevant information in the database via a cryptographically protected communication protocol in his advantageous method as taught by Araujo in order to provide a secure and convenient means for accessing alarm condition reports.

Woest discloses writing the event-relevant information to a database located within the industrial controller. (Col 21, lines 48-58 discloses "Other aspects of the above objects of the invention are accomplished by a method and apparatus in which a master controller stores sensor values in a data aging table and associates each sensor value with a valid time frame. All requests for data during the valid time frame are serviced by transmitting the

value from the data aging table in the master controller.” A table that stores data can be thought of as a database.)

The general concept of writing the event-relevant information to a database located within the industrial controller is well known in the art as illustrated by Woest who discloses writing the event-relevant information to a database located within the industrial controller.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Malizia to include the use of writing the event-relevant information to a database located within the industrial controller in his advantageous method as taught by Woest in order to integrate more parts into the industrial controller to simplify the design.

Helferich discloses only a receiver-specific message wherein the receiver-specific message itself does not include event-relevant information.

(abstract, lines 1-3 and Col3, lines 2-5 “A message has been received but does not initially transmit the associated message” and “provides a page to a paging receiver but does not automatically provide an associated message.”). The general concept of providing messages that do not provide event-relevant information is well known in the art as illustrated by Helferich who discloses messages that are not detailed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Araujo to include the use of hiding details of messages in his advantageous method as taught by Helferich in order to conserve memory.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malizia-Araujo-Woest-Helferich in view of Edwards et al, hereinafter referred to as Edwards (US patent 7085841)

6. Regarding claim 8:

Malizia-Araujo-Woest-Helferich disclose all the limitations of claim 8 except for wherein the Web server is integrated with hardware of the controller.

Edwards discloses a Web server which is integrated with hardware of the controller.

"Col 1, lines 56-59 discloses "Web server...incorporated as part of the industrial controller.")

The general concept of integrating components to the hardware of the controller is well known in the art as illustrated by Edwards which discloses a component integration in a controller method.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Malizia to include the use of integrating a Web server to the controller hardware in his advantageous method as taught by Edwards so that the controller in order to "monitor or control an industrial process from a site that is remote from the industrial controller..."...involving "Internet based communications" as stated in Col 1, lines 48-51 and 55-56.

1. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malizia-Araujo-Woest-Helferich in view of Edwards and Crater (US patent 6201996).

Regarding claim 9:

Malizia-Araujo-Woest-Helferich disclose all the limitations of claim 9 except for wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the controller.

Edwards discloses the Web server is implemented as hardware that is separate from hardware of the controller. Edwards discloses "Web server 16 either contains or communicates in turn with an industrial controller 14 which operates to control an industrial process 41 through inputs and outputs 39." This implies that the Web server can be integrated with the controller or merely communicating with it as an external device since Edwards also discloses "FIG. 3 is a detail block diagram of the software components of the browser and server showing structures within the server for implementing an object-based interface protocol and their connection to an external industrial controller." The Web server also contains hardware since "Web server 16 also holds in its memory 27 persistent storage area 42 in which parameters necessary for restoring persistent objects 38 may be stored."

The general concept of providing for wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the for wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the controller.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Malizia of his advantageous method as taught by Edwards in order to "monitor or control an industrial process from a site that is remote from the industrial

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controller..."...involving "Internet based communications" as stated in Col 1, lines 48-51 and 55-56.

Crater discloses wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the controller.

Since Crater's method is amenable to ready customization and modification, Column 3, lines 61-62, Crater's method can separate the hardware of the controller from at least one of the database and Web server hardware.

The general concept of modifying and customizing a database to be separate from the hardware of the controller is well known in the art as illustrated by Crater which discloses modifying and customizing a system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Araujo to include the modification of separating the controller hardware from the database in his advantageous method as taught by Crater in order to "achieve a highly integrated system amenable to ready customization and modification." as stated by Crater in Column 3, lines 58-62.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malizia-Araujo-Woest-Helferich in view of Lo (US publication 2003/0061274, dated March 27, 2003, and filed on September 24, 2001).

Regarding claim 10:

Malizia-Araujo-Woest-Helferich disclose all the limitations of claim 10 including accessing from the receiver the event-relevant information in the database comprises



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the step of transmitting at least one of data, parameters and programs from the specified receiver (Col 9, lines 13-19, and Col 8, lines 55-60) except for from transmitting from the specified receiver to the controller.

Lo discloses that his method has the capability of programming with the aid of a client through a web browser the programming code for the controller, abstract, lines 2-10.

The general concept of sending programs from a receiver to a controller is well known in the art as illustrated by Lo which discloses a client device which programs a controller in a programmable controller. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Crater of in his advantageous controller method as taught by Lo in order to provide a "new business paradigm" for programmable controllers and their customers as stated by Lo on lines 13-15 of his abstract.

### ***Response to Arguments***

Arguments not responded to are deemed moot in view of the new grounds of rejection.

Arguments not responded to are deemed moot in view of the new grounds of rejection.

Point A: Applicant argues that Araujo does not disclose information about an event being transmitted to a remote client.

As to point A: Araujo discloses a user being able to access from a browser event information through the SEP that the database provides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JBNT  
12/21/2007



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